

HONORABLE BARBARA J. ROTHSTEIN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SIERRA CLUB, *et al.*,

Plaintiffs,

and

THE SPOKANE TRIBE OF INDIANS,

Plaintiff-Intervenor,

v.

REGIONAL ADMINISTRATOR OF THE
ENVIRONMENTAL PROTECTION
AGENCY, *et al.*,

Defendants,

and

SPOKANE COUNTY; KAISER
ALUMINUM WASHINGTON LLC; and
STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY,

Defendant-Intervenors.

No. C11-1759BJR

UNOPPOSED MOTION, AND
PROPOSED ORDER, TO MODIFY
SUMMARY JUDGMENT BRIEFING
SCHEDULE TO ALLOW EPA TO
COMPLETE ITS REVIEW OF A
PROPOSED SETTLEMENT

1 Defendants the Regional Administrator of the Environmental Protection Agency, et al.
2 (collectively "EPA"), submit this motion to extend by 21 days the existing dates set forth in the
3 Court's order (Dkt No. 248) for briefing on Plaintiffs' motion for summary judgment and on
4 EPA's and the Intervenor-Defendants' prospective cross-motions for summary judgment, to
5 allow EPA adequate time to complete its final review of a proposed consent decree. That decree,
6 if approved by EPA senior officials and entered by the Court, would result in a full resolution of
7 this lawsuit and thus render summary judgment motions moot. The undersigned counsel has
8 been authorized by the respective counsel for the other parties in this case -- Plaintiffs Sierra
9 Club and Center for Environmental Law & Policy, Plaintiff-Intervenor Spokane Tribe of Indians,
10 Defendant-Intervenor State of Washington Department of Ecology, Defendant-Intervenor
11 Spokane County, and Defendant-Intervenor Kaiser Aluminum Washington LLC -- to represent
12 that they do not oppose the relief requested by this motion.
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15 This Court previously granted an extension of the summary judgment briefing schedule
16 in this case to afford EPA and Plaintiffs and Plaintiff-Intervenor time to explore settlement of
17 this case. Since that time, these parties have negotiated a proposed consent decree that, if fully
18 approved and entered by the Court, would resolve this lawsuit. EPA, however, requires up to an
19 additional 21 days to complete its final review of the proposed consent decree before it can
20 approve and sign the proposed consent decree and file it with the Court for entry. Accordingly,
21 EPA requests that the existing summary judgment deadlines be extended by 21 days. In the
22 unlikely event that EPA does not by that time approve the proposed consent decree and file it
23 with the Court, EPA will confer with the other parties and file an appropriate motion governing
24 any further modifications that may be necessary to the summary judgment briefing schedule.
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Accordingly, if this 21-day extension request is granted, the schedule would be as follows:

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|------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| 1.A. | EPA's Opposition to Plaintiffs' Motion for SJ and Cross-Motion for SJ (limited to 30 pages) | Jan. 25, 2022 |
| 1.B. | Oppositions to Plaintiffs' Motion for SJ and Cross-Motions for SJ, by Spokane County, Kaiser Aluminum, and the State of Washington (each limited to 20 pages) | Jan. 25, 2022 |
| 2.A. | Plaintiffs' Consolidated Opposition to the Cross-Motions for SJ and Reply in Support of Plaintiffs' Motion for SJ (limited to 30 pages) | Jan. 25, 2022 |
| 2.B. | Spokane Tribe's Consolidated Opposition to the Cross-Motions for SJ and Reply in Support of Plaintiffs' Motion for SJ (limited to 20 pages) | Feb 15, 2022 |
| 3.A. | EPA's Reply in Support of its Cross-Motion for SJ (limited to 20 pages) | March 1, 2022 |
| 3.B. | Replies in Support of EPA's Cross-Motion for SJ, by Spokane County, Kaiser Aluminum, and the State of Washington (each limited to 10 pages) | March 1, 2022 |

ORDER

IT IS SO ORDERED, on this 30th day of December, 2021.


Barbara Jacobs Rothstein
U.S. District Court Judge

1 Respectfully submitted by:

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